



Community Development Department
111 North 100 East
Washington City, UT 84780
Phone (435) 656-6325
Fax (435) 656-6371
www.washingtoncity.org

Minutes
WASHINGTON CITY PLANNING COMMISSION
February 18, 2015

Present: Commissioner Smith, Commissioner Shepherd, Commissioner Williams, Commissioner Papa, Commissioner Henrie, Commissioner Martinsen, Councilman Nisson, Attorney Jeff Starkey, Drew Ellerman, Lester Dalton, Kathy Spring, Brandee Walker, Steven Beckstrom, Christopher Madsen, Katherine Staheli, Karen Jolley, Phyllis Hollingsworth, Jim Keith, Danny Fuchs, Brock Andrus, Dixie Andrus, David Larson, Karl Larson.

Meeting called to order: 5:30 PM
Invocation: Commissioner Williams
Pledge of Allegiance: Commissioner Henrie

1. APPROVAL OF AGENDA

A. Approval of the agenda for February 18, 2015.
Commissioner Papa motioned to approve the agenda for February 18, 2015.
Commissioner Williams seconded the motion.
Motion passed unanimously.

2. APPROVAL OF MINUTES

A. Approval of the minutes from February 4, 2015.
Commissioner Henrie motioned to approve the minutes from February 4, 2015.
Commissioner Williams seconded the motion.
Motion passed unanimously.

3. DECLARATION OF ABSTENTIONS & CONFLICTS

None

4. PLAT VACATION

A. Public Hearing for consideration and recommendation to City Council a Plat Vacation for Kennsington Subdivision located at approximately 3930 South 400 East. Applicant: Robert Smith and Steve Kemp

Background

Drew Ellerman stated the applicant is requesting approval of a Vacation of the Final Plat of the Kennsington Subdivision, located at approximately 3930 South 400 East. Recently, the final plat for the Steeplechase subdivision was approved by the Planning Commission and City Council.

The developer is wishing to record the plat, the county has found that an existing subdivision was already platted in the same place.

With that said, it is necessary to have this older plat vacated so that the Steeplechase project and future projects in this same vicinity can be recorded. Staff is therefore recommending that the old Kennsington Subdivision be vacated as soon as possible.

Recommendation

Staff recommends that the Planning Commission recommend approval of the Vacation of the Final Plat for the Kennsington Subdivision to the City Council based on the following findings:

Findings

1. The vacated final plat is necessary for the recording of a new project within the city.
2. That the vacated final plat is in conformance of the Subdivision Ordinance as outlined.

Mr. Ellerman explained that there is an easement that needs to remain in affect even if the Subdivision is vacated. The easement agreement was signed by the Andrus's and the reason for it is so that construction traffic does not go through Stonehedge or Treasure Valley. He stated that Public Works is requiring the easement to remain.

Commissioner Smith opened the public hearing.

Brock Andrus stated he is a little confused about the road. He stated he thought the easement was to go straight but the note on the plat states for both parcels and that is confusing.

Commissioner Smith stated the easement is what is already agreed to.

Mr. Andrus asked what the difference between a road dedication and the easement.

Commissioner Smith explained the dedication is when they dedicate a road to the city so people can develop and an easement is specific to something.

Mr. Andrus stated he doesn't feel he gets answers from the city. He stated if the city wants something they seem to just take it.

Commissioner Smith stated he would try to explain things so he doesn't continue to be confused. He asked Mr. Andrus if he is okay with the easement.

Mr. Andrus stated he understood that the vacation would take away the curve of the easement. He is okay with the existing recorded easement for the straight road but didn't want the curve.

Brandee Walker explained the easement is for the Kennsington Subdivision and was platted out as 2 parcels. The County said they couldn't plat over a plat. The easement is going straight on the south to Washington Fields Road. The easement will not go away because it is a separate recorded document.

Mr. Andrus stated he doesn't want the curve. He stated the engineer and city said it has to be this way.

Mr. Ellerman stated the curve for Washington Fields Road is already there.

Commissioner Smith explained that tonight would be the parcel 1 only.

Mr. Andrus stated he doesn't want the curve.

Commissioner Shepherd stated the condition is that the easement will remain as it is recorded.

Commissioner Smith stated the easement was recorded after this was divided.

Mr. Andrus stated the curve wasn't a part the agreement between the original purchaser of Steeplechase and his parents. He stated the city has taken from all four sides and they keep taking and he is frustrated. He stated Mr. Ellerman has indicated that he should come to talk to him before the meeting but he feels the city should come to him before cramming something down his throat.

Commissioner Smith stated the existing easement was already agreed on and need to remain at this time.

Mr. Ellerman stated staff was trying to help clean this area up and to allow for Steeplechase to record. The application was for Black Mountain Enterprises which is Steeplechase parcel 1 and another engineering company is trying to vacate parcel 2 from Kennsington, he stated he was just trying to vacate as a whole but due to all the confusion he will do just parcel 1 so Steeplechase can get recorded and the easements will stay in affect. He has an application for parcel 2 that Dixie Andrus signed but now he is unsure about parcel 2 so he will do that parcel at another time. He stated tonight they would just deal with parcel 1 and clarify with the Andrus's on parcel 2. He stated the County would not allow any other project to record until Kennsington is vacated.

Commissioner Shepherd motioned to close the public hearing.

Commissioner Henrie seconded the motion.

Motion passed unanimously.

Commissioner Shepherd motioned to recommend approval to City Council to vacate the Final plat for parcel 1 from the Kennsington Subdivision with the recommendation and findings of staff.

Commissioner Williams seconded the motion.

Motion passed unanimously.

5. PLAT REVISION

- A. Consideration and recommendation to City Council a Plat Revision for The Meadows at Stucki Farms Phase 5 to accommodate revised home foot-prints located at approximately 4800 South Cattail Way. Applicant: Karl Larson

Background

Drew Ellerman stated the applicant is requesting approval of a revised final plat for The Meadows at Stucki Farms, Phase 5 subdivision, located at approximately 4800 South Cattail Way. This particular subdivision is proposing 11 lots on an area covering 1.824 acres. The specific location of this subdivision is zoned Planned Community Development (PCD). The Amended Preliminary Plat was approved back on January 14, 2015.

Since the City Council approval of the Final Plat back on January 28, 2015, the applicant has had to revise two lots of the plat by adding extra feet to lot 508 and 510. The home layouts did not fit on the previous lot footprints. Both lots have added 6.75 feet in the length (previously were 40.0 feet long).

Staff has reviewed the requested proposal, and the proposed final plat, conforms to the approved amended preliminary plat.

Recommendation

Staff recommends that the Planning Commission recommend approval of the Revised Final plat for The Meadows at Stucki Farms, Phase 5 subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The final plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the final plat conforms to the Washington City Zoning Ordinance and Subdivision Ordinance as outlined.
3. The proposed final plat conforms to the approved amended preliminary plat.

Conditions

1. All improvements shall be completed or bonded for prior to recording the final plat.
2. A current title report policy shall be submitted prior to recording the final plat.
3. Any referenced control monuments related to this subdivision shall be in place prior to recordation of the final plat. A stamped and signed letter from a professional land surveyor licensed in the state of Utah that verifies that the referenced control monuments are in place shall be submitted to the Community Development Department for filing prior to plat recordation.

4. When applicable, in the General Notes where the terms “Home Owners Association”, or “Property Owners” are used, they shall be changed to read as “Property Owners and/or Home Owners Association”.

5. That a Post Construction Maintenance Agreement be recorded prior to the recording of the final plat.

6. Note 1 of the General Notes needs to be worded that common areas are to be blanketed with PUE and Drainage Easement, lot lines do not exist as per individual pads.

Commissioner Papa stated what this means in fitting the house on the lot is you can't fit a size 12-foot in a size 10 shoe.

Commissioner Papa motioned to recommend approval to City Council with the findings and conditions of staff.

Commissioner Shepherd seconded the motion.

Motion passed unanimously.

6. CONDITIONAL USE PERMIT

- A. Consider approval of a Conditional Use Permit C-15-02 request for the Washington City Police Station located at 135 North 100 East. Applicant: Washington City, Police Chief Jim Keith

Background

Drew Ellerman stated the applicant is requesting approval of a Conditional Use Permit to build a new city police station in a residentially zoned area. The location of the proposed new police station is at approximately 135 North 100 East (just north of the existing City Hall building).

The property is owned by Washington City and has been set aside for quite some time for this particular purpose.

The new police station will be 14,130 square feet in floor area, which includes (but not limited to) a lobby, offices, conference rooms, holding cells, evidence room and evidence locker, etc.

This station will be oversized for the current needs, but will be grown into in the coming years as the community grows in population. The site also includes sufficient parking area and is nicely landscaped to match the adjoining city hall site.

The parcel is currently zoned Single-Family Residential - 6,000 Sq. Ft. Min. (R-1-6), this kind of use is permitted in this zoning district through the conditional use permit process, under the heading of “Public Buildings”.

Recommendation

Staff recommends that the Planning Commission approve C-15-02, allowing for a new Washington City Public Safety facility (new police station), to be located at approximately 135 North 100 East, based on the following findings and subject to the following conditions:

Findings

1. The proposed use, at the particular location, is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood and community; and.
2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of the persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
3. The proposed use will comply with the regulations and conditions specified in this title and associating state and federal titles, for such use; and
4. The proposed use will conform to the intent of the general plan.

Conditions

1. Any site improvements shall meet the requirements of City and State adopted codes.
2. A building permit, with associated construction plans, will be obtained through the Building Department before any construction work.
3. The lighting fixtures for the parking lot and associated landscaping will be such that the light is directed downward and not wash over to adjoining residential properties.
4. Garbage receptacles will be housed by walls designed to match the exterior of the building.
5. Landscaping will be approved by the Community Development Department by it is installed.

Commissioner Papa asked about the entrance for the secured parking.

Mr. Ellerman stated they would come off of 100 East.

Commissioner Papa asked if the building would have holding cells.

Jim Keith stated they don't have holding cells in the current location and would not have them in the new building. They would be transported to the jail as soon as possible.

Commissioner Papa asked if there would be an expansion for more offices on another story and if not why is the roof so high.

Mr. Keith stated to keep it aesthetically matching to city hall.

Commissioner Shepherd asked if there would be other things done that aren't currently being done.

Mr. Keith stated no they just need more space for example restrooms so the officers aren't share restrooms with public and the need to more storage in their evidence room.

Commissioner Papa asked if there are other properties they looked at.

Mr. Keith stated they did but due to cost this is the best place because the city owns the property.

Commissioner Papa asked if the general plan was designed 10 years ago for as a walking type downtown.

Mr. Ellerman stated this has always been a consideration for a police station, courthouse and there was at one time a plan for a large multi parking lot. He stated at one time it was considered to be used as a courtroom but that isn't the case.

Commissioner Papa stated the people have mentioned they would like this because a police station calms the area down and deters negative activities.

Commissioner Shepherd asked if the holding area should be labeled processing and reviewing room.

Mr. Keith stated the correct terminology is processing and review area.

Commissioner Smith opened the public hearing.

Katherine Staheli stated she thought this was going to be a courthouse.

Mr. Starkey stated the State has been trying to limit the Justice Courts and the mandatory retirement age for Judges. The courthouse didn't make much sense as far as a financial viewpoint.

Ms. Staheli asked when the church bought the property on the corner she has wondered what is going to happen to the property and if the church will be bought and how is this building going to be funded, is there going to be bonding.

Mr. Starkey stated the city tries to keep all options open. The church had more of an inside track as to what is going to happen to the property.

Mr. Keith stated the city would continue to maintain the current building. The bonding has been in the process and is now in place.

Ms. Staheli asked why there isn't a use for the upstairs.

Mr. Keith stated the elevation is higher than city hall but they want it to match city hall. There are restrictions for two stories for a police station.

Commissioner Smith asked what the pitch of the building is going to be.

Mr. Keith answered about 9 to 12 feet.

Commissioner Papa asked what the average ceiling height through out the office area.

Mr. Keith answered it is 10 feet high for security reasons and needed space.

Commissioner Papa stated he would frown on it if weren't necessary.

Mr. Keith stated they have worked this for about 6 to 8 months to cut costs.

Commissioner Williams asked if there is space for expansion around the building.

Mr. Keith stated the property behind is city owned.

Commissioner Shepherd asked what the pitch of city hall is.

Commissioner Smith stated about 10 to 12 feet.

Ms. Staheli asked what is the plan for the property behind city hall and this project.

Mr. Keith stated the city is looking at this as a campus type area and the city council is looking at the best use for the property.

Karen Jolley asked about the back area and if it will remain as it is now.

Commissioner Smith stated yes it would remain as is for now. There is a committee looking at what to do with the property.

Ms. Jolley stated she lives across from the maintenance yard and was told it would be torn down and the dust is a problem and the flooding is an issue. She stated she is happy with the police station. She would like something to look nice on Main Street and now it is not. She stated she has been trying for 10 years to get something done.

Commissioner Papa stated Councilman Nisson could relay that concern to the city council.

Mr. Starkey stated the council would love to have citizen's input.

Commissioner Papa motioned to close the public hearing.

Commissioner Henrie seconded the motion.

Motion passed unanimously.

Commissioner Shepherd motioned to approve the conditional use permit for a police station with the findings and conditions of staff with the clarification with the note on paragraph 2 of the background to be corrected to read instead of holding cell it reads secure interview processing areas.

Commissioner Williams seconded the motion.

Motion passed unanimously.

- B. Consider approval of a Conditional Use Permit C-15-01 request for Vincent Lane Townhomes located at approximately 500 West Vincent Lane. Applicant: Chris Madsen

Background

The applicant is requesting approval of a Conditional Use Permit to build a townhome project located at approximately 500 West Vincent Lane. The site is proposing 10 dwelling units (in the form of two five-plex buildings).

The parcel is currently zoned Multiple Family Residential (R-3), this kind of use is permitted in this zoning district through the conditional use permit process. The General Plan Land Use Designation at this location is High Density Residential (HD) which carries a 13-16 dwelling unit per acre density limit. This proposed townhome project is proposing a 16.4 d.u./ac. density ratio.

Staff has struggled with this proposed 10 unit design proposal and is not in favor of the submitted design of 10 dwelling units in this small location. Staff would feel much better if the site was maximized at 8 dwelling units (that would be a 13.1 d.u./ac. ratio). If nine dwellings were even proposed it would be a 14.75 d.u./ac. density ratio, which is still much better than the proposed 10 dwelling units.

The elevation design of the proposed units is somewhat pleasing, but the access and immediate driveway locations is somewhat harsh.

Recommendation

Staff's recommendation at this point will have to be one of neutral at best, the concerns of feeling like the project is very "crammed in", and that it has exceeded the maximum density limit is just too uncomfortable. With that said, Staff is not recommending approval or denial to the Planning Commission as it considers C-14-04, allowing for townhome project to be located at approximately 500 West Vincent Lane. If the Commission does wish to approve, or modify and approve the request, it should be based on the following findings and subject to the following conditions:

Findings

1. The proposed use, at the particular location, is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood and community; and
2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of the persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
3. The proposed use will comply with the regulations and conditions specified in this title and associating state and federal titles, for such use; and
4. The proposed use will conform to the intent of the general plan.

Conditions

1. Any site improvements shall meet the requirements of City and State adopted codes.
2. Subdivision plat(s) will have to be applied for and approved before any ground work is to be done.
3. A building permit(s), with associated construction plans, will be obtained through the Building Department before any construction work.
4. Any other conditions the Planning Commission wishes to impose at this time.

Commissioner Shepherd asked Mr. Ellerman if the main concern is the density and if setbacks are an issue.

Mr. Ellerman stated Vincent Lane is not a dedicated road. It is private access or easement and meets setbacks and that it was approved years ago. He stated the units in his opinion are too cramped in.

Commissioner Shepherd asked who owns and maintains Vincent Lane.

Mr. Ellerman stated the Willey's Mini Storage owns part of it and the applicant owns the other part. He stated the Erin Kimball doesn't own it. It is just their access.

Commissioner Shepherd asked who owns the road in front of Pearl condos.

Mr. Ellerman stated the applicant owns the road.

Commissioner Shepherd asked who would maintain the road.

Mr. Ellerman stated the HOA and the two-property owners would have to maintain it. On the plat it stated property owner/HOA, if the city has to fix it they would charge the property owner or put a lien on the property.

Commissioner Shepherd asked if the Erin Kimball would have to maintain any of the road?

Mr. Ellerman stated there is a portion of the road that they own and they would have to maintain.

Commissioner Shepherd stated her concern is this goes into 10 units and is a narrow driveway.

Commissioner Henrie stated his concern is parking on the street and emergency vehicle accessing the property.

Commissioner Papa stated his concern is the fire hydrant.

Mr. Ellerman showed the fire hydrants.

Ms. Walker stated she has met with the Fire Chief and the hydrants will be worked out.

Commissioner Henrie asked for clarification of the road easement.

Mr. Ellerman stated the city decided that the property owners would get 25 feet back because they didn't want the road because it wouldn't go anywhere.

Commissioner Henrie asked if the middle of the road is the storm drain.

Ms. Walker stated when Vincent Lane first came in they did all the installation of the storm drain. Then the Kimball Foundation came in and they improved their portion of the storm drain to have their access to their property.

Commissioner Henrie stated his concern is the density and that it exceeds the 16.

Commissioner Papa asked about the access and traffic on 500 East.

Mr. Ellerman stated at platting stage the traffic would have to be looked at.

Commissioner Papa stated the intersection at Telegraph is dangerous especially turning left.

Mr. Ellerman stated the intersection is targeted for a traffic signal when traffic warrants the need.

Commissioner Henrie stated in his opinion the city needs to tear out some of the landscaping.

Commissioner Shepherd stated it appears that the access to the property is too tight.

Ms. Walker stated it appears that way on paper but it is adequate. It is the standard 25 feet.

Commissioner Smith asked if it is single car garage with parking in front of the door with tandem parking. He stated he is looking at this as legal access with the setbacks and it is a private street.

Ms. Walker stated for a R-3 it is 10 feet.

Commissioner Smith stated it is 20 feet. He stated the density and the access is a concern. He stated there would need to be an HOA.

Ms. Walker stated there would be an HOA and Don Willey has been easy to work with.

Steve Beckstrom stated he is the attorney for the applicant. He stated the work has already been done and the preliminary plat was approved.

Commissioner Smith stated it had expired and that is why they can discuss current concerns.

Mr. Beckstrom stated there is a buyer and an HOA will be in place. He stated there is a legal easement.

Commissioner Henrie asked if there is an agreement with the Kimball's.

Mr. Beckstrom stated no there doesn't need to be. The Kimball's are the beneficiary of the easement. The applicant and Mr. Wiley would maintain the easement.

Commissioner Smith stated his concern is the access and treating this as a private street. This seems to encroach on the easement. He stated he isn't here to penalize Mr. Madsen.

Ms. Walker stated that she interprets the frontage of the street would be the side yard.

Commissioner Smith stated it is the legal assess which is Vincent Lane. He stated if this is considered a flag lot they could only have two units. He stated the easement is between three property owners but not the public. He stated he questions if the three property owners would have to convey to 10 others. He stated Vincent Lane is an issue in using it as a public access.

Commissioner Williams asked about visitor parking. When people visit there are numerous people that come at times.

Ms. Walker stated they would have to park on 500 East.

Commissioner Shepherd asked if there is any issue with building in the easement.

Mr. Beckstrom stated there is room and there is a utility easement.

Commissioner Henrie stated there should be signage to stated Private- Street.

Attorney Starkey stated the city already has signs that indicate private streets.

Commissioner Shepherd asked if setbacks are for safety and ascetics.

Mr. Ellerman stated both of those are correct.

Commissioner Smith stated if he built a house facing Vincent Lane the setback would be 20 feet on a private street.

Ms. Walker stated in a private driveway it comes to curb. This is a drive access.

Commissioner Smith stated a private driveway is for the property owner only and that is why Vincent Lane needs to be private access so others can use it.

Mr. Ellerman explained on the overhead the difference between private access and driveway and the setbacks.

Commissioner Smith stated the compromise would be to eliminate unit 1 to make the private street with the 20-foot setback.

Commissioner Williams stated that would open up access to the development. That would allow for some open space and have better access.

Commissioner Smith opened the public hearing.

Katherine Staheli asked if this is going to have walls around it.

Commissioner Smith answered it does around the Pearl Condos.

Ms. Staheli asked if the kids would be prevented from coming onto their back yard after they get off the bus.

Commissioner Smith stated it should help.

Chris Madsen stated he isn't opposed to going to 9 units. He stated he just wants to get the project going that they have installed the improvements on the road and gave access to Don Wiley.

Commissioner Henrie stated he appreciates Mr. Madsen's willingness to work this out with the expressed concerns.

Commissioner Henrie motioned to close the public hearing.
Commissioner Williams seconded the motion.
Motion passed unanimously.

Attorney Starkey asked what unit would be taken off.

Mr. Ellerman stated it would have to be unit 1.

Ms. Walker stated they have worked hard on this development. She showed a new plat that showed new setbacks and that it works at 10 units.

Commissioner Smith stated he is good with 10 through 6 but is still concerned with access.

Mr. Ellerman stated he would prefer the access be referred to as legal access. He stated even with the new plat it is still over the density. He stated he never likes to see maximum requests for density.

Mr. Madsen stated he could go back to Mr. Wiley and get his road back. He wants to keep the driveways to mirror each other.

Commissioner Shepherd stated that wouldn't change her mind about the tight density.

Attorney Starkey stated additional acreage doesn't change the concern. He stated the commissioners have been consistent with the concern of too much in a tight area.

Commissioner Papa stated with eliminating the unit they could move those units to make it work better than going and picking up extra acreage.

Commissioner Shepherd stated she agrees with Mr. Madsen that moving the units so they don't match the driveway doesn't look.

Ms. Walker stated this is a good area for high density so they can walk to downtown. The condos are already there.

Commissioner Smith stated he agreed with the comment but it is above the density.

Commissioner Shepherd asked how they could make it work with the 10 units.

Mr. Ellerman stated not with 10 units. This is just a Conditional Use Permit conception plan review a preliminary plat has to come in for approval.

Commissioner Shepherd asked if they could even approve something that doesn't meet the general plan.

Mr. Ellerman stated he would not want to suggest that, allowing something for someone and not for someone else.

Commissioner Shepherd stated she would rather it be 8 units to keep the driveways even.

Attorney Starkey stated they need to be careful when setting some type of standard.

Commissioner Papa stated Mr. Madsen has already indicated he would eliminate one unit that way it would allow him to move forward and not cost him further expense.

Ms. Walker asked if Mr. Madsen could get the additional acreage he could keep the 10 units and that she agrees with Commissioner Shepherd that it looks better with the 10 units.

Commissioner Shepherd stated eliminating one unit does resolve the problem.

Mr. Madsen asked if there could be a condition of approval with him obtaining the additional acreage.

Attorney Starkey stated it wouldn't be a good idea. He stated eliminating the unit and how the driveways line up are a matter of design but wouldn't necessarily be a reason to hold this up.

Commissioner Williams stated if that is the case they could table it to see how it looks or eliminate the one unit.

Commissioner Shepherd stated she doesn't see how the extra road acreage would really solve the issues. She asked if the setback could be addressed.

Mr. Madsen stated he would do the 20-foot setback.

Commissioner Shepherd motioned to approve C-15-01 conditional use permit with the findings and conditions of staff with the additional condition #5 that only 9 units be approved and that the west units have a 20 foot setback from the property line.

Commissioner Williams seconded the motion.

Motion passed unanimously.

7. DISCUSSION ITEMS

- A. Discussion of project updates and general information for the Planning Commissioners.

Mr. Ellerman stated there is a Utah Planner Conference April 4 through the 6th and he will send information to them if they are interested. He stated he would be presenting on the Administrative Law Judge versus Board of Adjustment Appeals. It will be held at the Hilton Garden Inn next to the Dixie Center.

Commissioner Shepherd motioned to adjourn the Planning Commissioner meeting.

Commissioner Williams seconded the motion.

Motion passed unanimously.

Meeting adjourned: 7:56 PM

Washington City

Signed by: _____

Jason Smith, Chairman

Attested to: _____

Kathy Spring, Zoning Technician